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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
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11 Plaintiff,
12 v.
13 DANIEL NIX,
14 Defendant.

Case No. 2:17-CR-105-RSL

ORDER DENYING MOTION
FOR IN CAMERA REVIEW

15 This matter comes before the Court on defendant Daniel Nix's "*Ex Parte* Motion for *In*
16 *Camera* Review of Evidence in Support of Motion for Retrial and Motion to Seal All
17 Documents Attached Hereto Pursuant to LCR 55(c)." Dkt. #195.

18 On August 10, 2018, defendant was found guilty of nine counts of attempted evasion of
19 payment of taxes for the tax years 1998 and 2000-2007, four counts of attempted evasion of
20 assessment of taxes for the tax years 2010-2013, eleven counts of presentation of fictitious
21 financial obligations, and one count of corrupt interference with the administration of the
22 Internal Revenue Code. Dkt. #174. At trial, the government introduced as evidence eleven
23 fictitious money orders, purporting to be payments for defendant's tax debt, that were mailed to
24 the Internal Revenue Service ("IRS") on defendant's behalf ("the Money Orders"). See Trial Tr.
25 Day 3 [Dkt. #182] at 396; see Dkt. #189 at 2.

26 Defendant filed a motion for a new trial on September 12, 2018, based on allegedly
27 newly discovered evidence that he claims shows that the Money Orders are not fictitious and
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1 have been deposited by the government in various financial funds. Dkt. #179. Defendant claims
2 that, after the trial, he was able to find a confidential source who uncovered this information.
3 See Dkt. #190 at 2. In his motion and reply, defendant simply lists out these allegations and
4 provides some details of the financial funds in which he claims the deposits were made, without
5 any supporting information or documentation. See Dkt. #179 at 3–7, see Dkt. #193 at 15–38. At
6 oral argument, on November 8, 2018, defendant was informed that his motion would be denied
7 if he failed to present any new evidence beyond his own declarations of wrongdoing. See Dkt.
8 #194. In response to defendant’s concerns with revealing the identity of his source, the Court
9 invited defendant to file an *ex parte* motion for an *in camera* review of his evidence. Defendant
10 agreed, and filed the present motion on November 13, 2018. Dkt. #195.

11 However, the evidence that defendant submitted for *in camera* review contains no new or
12 confidential information. Along with several documents that are already on record, defendant
13 submitted a declaration, allegedly prepared by his source, with the name and signature redacted.
14 It adds nothing to defendant’s previous filings. See Dkt. #179; see Dkt. #190. In the absence of
15 any disclosure of the source’s identity, there is no reason for the Court to hold an *in camera*
16 hearing. See *Bigelow v. Nw. Tr. Servs., Inc.*, No. C14-5798BHS, 2016 WL 2758204, at *2
17 (W.D. Wash. May 12, 2016) (“Generally, the Court will only engage in such [an *in camera*]
18 review for privileged or confidential matters.”).

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20 For all the foregoing reasons, defendant’s motion for an *in camera* review is DENIED.

21 To assist defendant in his appeal, his motion to seal the attached documents is
22 GRANTED, and they are filed under seal as exhibits to this order.

23 DATED this 21st day of November, 2018.
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26 
27 Robert S. Lasnik
28 United States District Judge